

No. 01-20-00004-CR & No. 01-20-00005-CR

In the Court of Appeals for the
First District of Texas at Houston

FILED IN
1st COURT OF APPEALS
HOUSTON, TEXAS
8/27/2020 10:15:38 AM
CHRISTOPHER A. PRINE
Clerk

Ex parte

JOSEPH ERIC GOMEZ,
Appellant

On Appeal from Trial Court Case No. 1657519 and 1657521
Before the 338th Judicial District Court of Harris County, Texas

**APPELLANT'S MOTION TO
DESIGNATE OPINION FOR PUBLICATION**

TO THE HONORABLE COURT OF APPEALS:

JOSEPH ERIC GOMEZ, Appellant before this Court, by and through undersigned counsel, pursuant Rule 47.2(b), Texas Rules of Appellate Procedure, moves this Court to designate the opinion issued by this Court in his case for publication. In support thereof, Appellant would show the following.

1. On August 7, 2020, this Court issued its memorandum opinion in Appellant's case finding the trial court abused its discretion, reversing the trial court's order denying Appellant's applications for writs of habeas corpus, rendering judgment granting his application for habeas relief and ordering reinstatement of the original bonds. This Court designated that the opinion not be published.
2. In the days and weeks after this Court issued its opinion, the trial court, in apparent disregard for this Court's decision, continued to revoke the bonds of multiple, other defendants with "no good and sufficient cause" and, instead of "more than doubling the amount of the bail" as it had in Appellant's case, denied bail altogether in those cases. Attached hereto are court filings and affidavits as proof of this action.
3. While it is unclear what the trial court's motivations are for its actions, one possible explanation is that it does not believe it is bound to follow this Court's decision in *Gomez* because of Rule 47.7(a) of the Rules of Appellate Procedure which states that "memorandum opinions not designated for publication by the court of appeals under these or prior rules have no precedential

value but may be cited with the notation, “(not designated for publication).” TEX. R. APP. P. 47.7(a). Of course, under Rule 1.1 of the Rules of Appellate Procedure, Rule 47.7 applies only in proceedings before appellate courts. *See* TEX. R. APP. P. 1.1. Under the principle of vertical *stare decisis*, a district court judge has no right to decide cases contrary to an opinion of the appellate court for its jurisdiction on the same question, *Perez v. State*, 495 S.W.3d 374, 392 (Tex. App.—Houston [14th Dist.] 2016, no pet.)(citing *State ex rel. Healey v. McMeans*, 884 S.W.2d 772, 774 (Tex. Crim. App. 1994) (holding trial judges do not enjoy the freedom to ignore clear, binding precedent from a court of superior jurisdiction); *Mason v. State*, 416 S.W.3d 720, 728 n. 10 (Tex. App.—Houston [14th Dist.] 2013, pet. ref’d)) and “must follow and be bound by a ruling of law made by a Court of Appeals until such ruling is overruled or set aside” by the Court of Criminal Appeals. *Id.* (quoting *Hurt v. Oak Downs, Inc.*, 85 S.W.2d 294, 300 (Tex. Civ. App.—Dallas 1935, writ diss’d w.o.j.) (Bond, J., dissenting)). Nevertheless, if this is a reason for the trial court’s actions disregarding this Court’s opinion, Appellant submits that this Court

can simply resolve that mistaken belief by designating the opinion for publication.

4. Appellant furthermore submits that the importance of this Court's decision goes beyond the trial court's actions here. Other courts in Harris County have, like the trial court here, engaged in similar acts, revoking defendants' bonds without cause or finding. Earlier this week, one of Appellant's undersigned counsel observed another district court judge revoke a defendant's bond who appeared at their first court setting simply because the judge was not satisfied with the bail amount set by the magistrate. Another of Appellant's undersigned counsel has spoken with other attorneys practicing before the Harris County criminal district courts who have reported similar acts in other district courts. By designating Appellant's opinion for publication, Appellant believes that it would remove any doubt that this Court intends for its decision to be binding on trial courts in its jurisdiction.

WHEREFORE, PREMISES CONSIDERED, Appellant respectfully requests this Court to designate the opinion issued by this Court in his case for publication.

Respectfully Submitted,

MAYR LAW, P.C.

by: /s/ T. Brent Mayr

T. Brent Mayr

SBN 24037052

bmayr@mayr-law.com

by: /s/ Sierra Tabone

Sierra Tabone

SBN 24095963

stabone@mayr-law.com

5300 Memorial Dr., Suite 750

Houston, TX 77007

713.808.9613

713.808.9991 FAX

SCHNEIDER & MCKINNEY, PLLC

by: /s/ Stanley G. Schneider

Stanley G. Schneider

SBN 17790500

440 Louisiana, Suite 800

Houston, TX 77002

713-951-9994

713-224-6008 FAX

stans3112@aol.com

ATTORNEYS FOR
JOSEPH ERIC GOMEZ

VERIFICATION

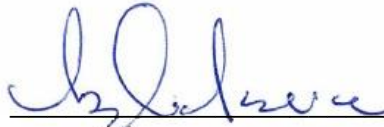
As required by Texas Rule of Appellate Procedure 10.2, on this date personally appeared THOMAS "BRENT" MAYR, who upon being duly sworn, stated as follows:

My name is THOMAS "BRENT" MAYR. I have read the foregoing motion, and the facts stated therein are within my personal knowledge and are true and correct.

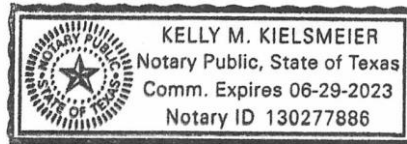


THOMAS "BRENT" MAYR
ATTORNEY FOR JOSEPH GOMEZ

SWORN TO AND SUBSCRIBED before me on this 27th day of August, 2020.



NOTARY PUBLIC



CERTIFICATE OF SERVICE

This is to certify that a copy of the foregoing instrument has been served on to the attorney for the State, Clint Morgan, Harris County District Attorney's Office, pursuant to Texas Rule of Appellate Procedure 9.5 (b)(1), through Appellant's counsel's electronic filing manager on August 27, 2020.

/s/ T. Brent Mayr
T. Brent Mayr
ATTORNEY FOR
JOSEPH ERIC GOMEZ

Exhibit 1

Affidavit of the Brian Smith,
Defendant in the case, *State of Texas v. Brian Smith*
Case no. 1685356 in the 338th District Court of Harris County, Texas

STATE OF TEXAS

HARRIS COUNTY

§
§
§

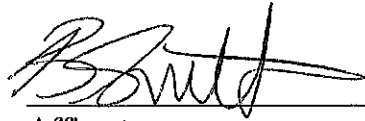
AFFIDAVIT

Before me, the undersigned authority, personally appeared **BRIAN SMITH** who being by me duly sworn, deposed as follows:

“My name is **BRIAN SMITH**. I am over 18 years of age, of sound mind, capable of making this affidavit, and personally acquainted with the facts herein stated.

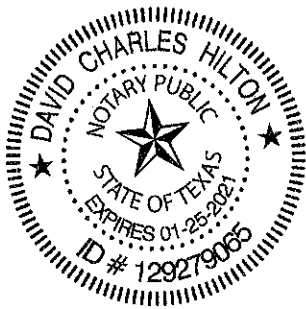
I am the defendant charged in cause number 1685356 pending in the 338th District Court of Harris County, Texas. On August 8, 2020, I was arrested and charged with the felony offense of assault family member choking. On August 9, 2020, I appeared before a Harris County criminal law hearing officer along with an appointed public defender assigned to represent me for that hearing. The officer set my bail amount at \$15,000.00 and further granted my release on personal bond which I signed. I was released from the Harris County Jail later that day and given instructions to appear in the 338th District Court the following morning. I did in fact appeared on Monday, August 10, 2020 and intended to ask the court for time to hire an attorney. The judge, Judge Ramona Franklin, appeared by Zoom and called me to approach the monitor. She asked the prosecutor to give her a summary of my case. She then ordered me to have no contact with the alleged victim. Then, to my surprise, the judge stated that she was revoking my bond, taking me back into custody, and setting my bail amount at \$0. My family hired Dustan Neyland to represent me after

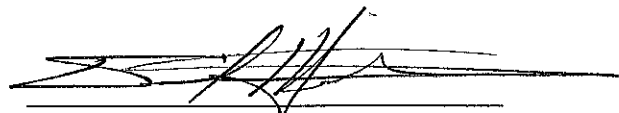
this. He was able to go in front of a visiting judge the following day and get my bail amount set at \$5,000.00 which my family posted. I was subsequently released from jail.



Affiant

Sworn to and subscribed before me on the 18th day of August,
2020.





Notary Public

Exhibit 2

Affidavit of David Cunningham

AFFIDAVIT OF DAVID CUNNINGHAM

Before me, the undersigned authority, on this day personally appeared David Cunningham who did depose and state as follows:

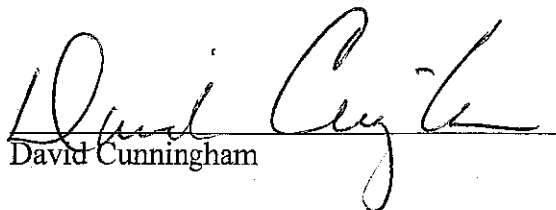
My name is David Cunningham. I am over the age of eighteen and there is no legal impediment to making this affidavit and I do so with knowledge of the pains and penalties of perjury.

I am a lawyer licensed to practice law in the State of Texas. I have been so licensed since November 5, 1982. My State Bar number is 05234400. My office address is 2814 Hamilton, Houston, Texas 77004-1232. My office number is 713.225.0325 and my email address is Cunningham709@yahoo.com.

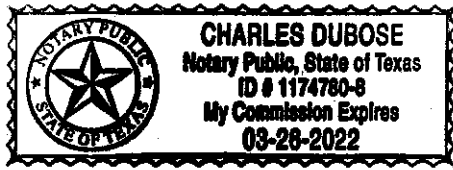
I am making this affidavit because I have personal knowledge of the events that happened in the 338th Judicial District Court of Harris County, Texas on August 10, 2020. On that morning, I appeared in person with my client in Cause No. 1672362. Judge Franklin called our case and dealt with the bond matters related to Cause No. 1672362. My client, who had an open warrant, was then taken into custody and taken to the holdover. I remained in the courtroom.

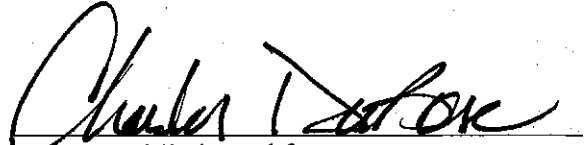
After dealing with my case, the Court called the case of Brian Smith. Mr. Smith was in the hallway and the bailiff brought him before the Court. I remember Mr. Smith saying something about "his" or "a" lawyer as the bailiff positioned him so that the Court see him via Zoom. The Court in turn said something about an appointed lawyer, but I did not catch her complete comment regarding counsel. While I was present in the court at counsel table, Judge Franklin revoked Mr. Smith's personal bond and raised the case to no bond and remanded him to custody. Mr. Smith was then taken directly into custody. I remember scratching my head, questioning whether her actions complied with **Ex Parte Gomez** an opinion that had been handed down by the Court of Appeals the previous Friday. On August 10, 2010, I had not read **Gomez**, but was generally aware of the gist of the opinion dealing with Judge Franklin's practices regarding revoking bonds previously set by hearing officers/magistrates. **Gomez** had been the subject of discussion on the members listserv of the Harris County Criminal Lawyers Association (HCCLA) after the opinion came out on August 7, 2020.

I went into the back to talk to my client who was in the holdover cell. Mr. Smith was also in the holdover. He appeared to be confused about what happened and was attempting to contact family members to advise him of his situation.


David Cunningham

Sworn and subscribed to before me on this 20th day of August 2020 to certify which witness my seal and signature.




Notary Public in and for
Harris County, Texas

My commission expires:

Exhibit 3

Case Filings in the case, *State of Texas v. Brian Smith*
Case no. 1685356 in the 338th District Court of Harris County, Texas

including

- the felony complaint
- the statutory warnings by magistrate - probable cause for further detention – PR bond/bail order
- the court directive, revoking the defendant's bond, remanding him to the custody of the sheriff, and setting the new bond at \$0 on August 10, 2020.

THE STATE OF TEXAS
VS.
BRIAN SMITH
13101 BRIAR FOREST DRIVE #6505
HOUSTON, TX 77077

SPN: 02830114 02830114
DOB: W M 11/04/1994
DATE PREPARED: 8/8/2020

D.A. LOG NUMBER: 2662456
CJIS TRACKING NO.: 9268126060-A001
BY: EMG DA NO: 50792733
AGENCY: HPD
O/R NO: 104229720
ARREST DATE: 08/08/2020

NCIC CODE: 1314 08

RELATED CASES:

FELONY CHARGE: **Assault of Family Member -Impeding Breathing**

CAUSE NO:
HARRIS COUNTY DISTRICT COURT NO:
FIRST SETTING DATE:

1685356
338

COURT ORDERED BAIL: **SREFERRED TO**
15.17
PRIOR CAUSE NO:
CHARGE SEQ NUM: 1

IN THE NAME AND BY AUTHORITY OF THE STATE OF TEXAS:

Before me, the undersigned Assistant District Attorney of Harris County, Texas, this day appeared the undersigned affiant, who under oath says that he has good reason to believe and does believe that in Harris County, Texas, **BRIAN SMITH**, hereafter styled the Defendant, heretofore on or about **August 8, 2020**, did then and there unlawfully, intentionally and knowingly cause bodily injury to Barron Brooks, hereafter styled the Complainant, a member of the Defendant's household and a person with whom the Defendant had a dating relationship, by impeding the normal breathing and circulation of the blood of the Complainant by applying pressure to the Complainant's throat.

FILED

Marilyn Burgess
District Clerk

AUG 09 2020

Time: _____
Harris County, Texas
By _____
Deputy

AGAINST THE PEACE AND DIGNITY OF THE STATE.

Signed and sworn by me on August 08, 2020

Duly attested by me on August 08, 2020

AFFIANT

ASSISTANT DISTRICT ATTORNEY
OF HARRIS COUNTY, TEXAS
Bar No. 14088250

COMPLAINT

THE STATE OF TEXAS

v.

SMITH, BRIANDOB: November 4, 1994§ IN THE 338th DISTRICT COURT

§

§ HARRIS COUNTY, TEXAS**STATUTORY WARNINGS BY MAGISTRATE - PROBABLE CAUSE FOR FURTHER DETENTION – PR BOND/BAIL ORDER**

On this date and time the above-named defendant personally appeared before me, the undersigned Texas magistrate. The defendant appeared ☒ **in person** ☐ **by video teleconference** and I admonished the defendant as follows:

You are accused of 3RD DEGREE FELONY, namely, ASLT FAM/HOUSE MEM IMPED BRTH/CIRCU.

- You have the right to hire an attorney to represent you.
- You have the right to remain silent.
- You have the right to have an attorney present prior to and during any interview with peace officers or attorneys representing the state.
- You have the right to stop any interview at any time.
- You have the right to an examining trial in a felony offense.
- You are not required to make a statement and any statement you make can be used against you.
- You have the right to request the appointment of counsel if you cannot afford counsel.

If you consent, I can appoint the Public Defender to represent you and describe evidence on your behalf in this bail hearing regardless of whether you are indigent. If you request appointed counsel and are later found to be indigent, another lawyer would be appointed to represent you in any trial or plea on the charge(s) listed above.

Do you consent to allow an assistant public defender to represent you in this bail hearing, knowing that this lawyer will not continue to represent you when this hearing is over? ☐ NO ☒ YES—

Pursuant to Joint Administrative Order No. 2017-01, Assistant Public Defender Toledo, Dulce

(print name) represented the Defendant in this bail hearing.

Do you request the appointment of counsel to represent you in the county or district court if you are determined to be indigent?

☐ NO ☒ YES— The Court **ORDERS** Pretrial Services to help the defendant, if still in custody, prepare the request and any supporting paperwork, and then forward the request to the judge of the court in which the case is pending within 24 hours.

CONSULAR NOTIFICATION: If you are a foreign national, you may be entitled to have us notify your country's consular representative here in the United States. If your country requires notification, we will notify it as soon as possible.

The accused is a: ☒ United States citizen ☐ foreign national of (country).

☐ The accused requests notification of consular officials.

☐ **MANDATORY NOTIFICATION:** The clerk shall immediately alert the above country's consulate of this arrest.

If you are a foreign national, please provide the following information:

Name (father's last / mother's last / first)

Date of Birth

Place of Birth

Passport Number

Date Issued

Place Issued

PROBABLE CAUSE FINDING AND ORDER

- ☐ The Court **FINDS** that probable cause for further detention **DOES NOT EXIST**. The Court **ORDERS** the law enforcement agency and officer having custody of the defendant to immediately release the defendant from custody.
- ☒ The Court **FINDS** that probable cause for further detention **EXISTS**. The Court reviewed and/or set the defendant's bond as indicated in the BAIL ORDER below and, in clear and unambiguous language: (1) advised the defendant of his rights pursuant to TEX. CODE CRIM. P. Art. 15.17; and (2) provided the defendant with information required by law. The Court **ORDERS** the defendant committed to the custody of the Sheriff of Harris County, Texas, until he posts the required bond or until further order of the Court.
- ☐ Probable cause previously determined. The Court **ORDERS** the defendant committed to the custody of the Sheriff of Harris County, Texas, until he posts the required bond or until further order of the Court.

☒ **SEE NEXT PAGE FOR BAIL ORDER**

August 09, 2020 10:58 AM

Date and Time

Magistrate Lisa Porter (SPN 01676089)

Lisa Porter 1676089

Magistrate (Judge or Hearing Officer)

(Rev. July 24, 2018)

Interpreter (if applicable)

Page 1 of 2

STATUTORY WARNINGS BY MAGISTRATE - PROBABLE CAUSE FOR FURTHER DETENTION – PR BOND/BAIL ORDER

PERSONAL BOND / BAIL ORDER

Having found probable cause exists for the further detention of SMITH, BRIAN, the Court next determined the conditions of release for the accused to ensure he/she will appear and answer before the proper Court.

PART 1: PUBLIC SAFETY ASSESSMENT

The Court considered the Public Safety Assessment results and also considered the following presumptive personal bond recommendation:

- ☐ Personal Bond Recommended
☐ Personal Bond **NOT** Recommended
☒ Personal Bond Recommendation referred to Magistrate
☐ PSA NOT available

PART 2: PERSONAL BOND / BAIL REQUESTS

Presumptive Bail Amount \$888,888.00

A. DISTRICT ATTORNEY PR BOND / BAIL REQUEST

- Personal Bond ☐ Requested ☒ Opposed
☐ No Position
- Bail Request ☐ No DA Bail Request
☐ Higher _____
☒ Lower \$25,000.00
☐ No Bail

B. PUBLIC DEFENDER PR BOND / BAIL REQUEST

- Personal Bond ☒ Requested ☐ Opposed
☐ No Position
- Bail Request ☐ No PD Bail Request
☐ Higher _____
☒ Lower \$5,000.00
☐ No Bail

PART 3: FINANCIAL AFFIDAVIT

Signed and Sworn: ☒ Yes
☐ No

ORDER

After considering the above, the Court (1) advised the defendant of his rights pursuant to TEX.CODE CRIM.P. ART 15.17; (2) set the defendant's conditions of release in clear and unambiguous language; and (3) provided the defendant with information required by law. The Court then ORDERED the following:

Bail is set at: ☐ No Bail ☒ \$15,000.00
☐ Conditions

Personal bond is: ☐ Not Approved NLR // GFtrying to leave, def grabbed her threw her on bed and strangled her, she ran into bathroom, he broke into bathroom and strangled her again, she bit his finger, she fled the apartment with out a top on to escape and asked some passersby to call police, she said he has not been violent in the past, he says she is homeless and has no where else to stay and is off of her medication and all he did was hold her to keep her from leaving bc she did not have clothes on, officer bruising on her face and neck area// nvca=no 1/1 // moep issued

☒ Approved ☐ Conditions

The reasons for this individual assessment of the appropriate conditions of release were explained to the above-named Defendant.

Rosa A. B. 1676089

August 09, 2020 10:58 AM

Date and Time

Magistrate Lisa Porter (SPN 01676089)

Magistrate (Judge or Hearing Officer)

(Rev. July 24, 2018)

Interpreter (if applicable)

Page 2 of 2

Unofficial Copy Office of Marilyn Burgess District Clerk



CAUSE NO. 168529901010

THE STATE OF TEXAS

V.

BENNETT, KIARA

A/K/A :

§
§
§
§
§
§
§

IN THE 338th DISTRICT
COURT
HARRIS COUNTY, TEXAS

COURT DIRECTIVE: REMAND DEFENDANT TO CUSTODY

BY THE ORDER OF THE COURT, the following activity is directed in the above styled and numbered cause:

- ☒ Bond REVOKED. New bond set at \$0.
Defendant remanded to the custody of the sheriff.
- ☐ MOTION TO ADJUDICATE GUILT filed.
Bond set at \$. Defendant remanded to the custody of the sheriff.
- ☐ Defendant found guilty. No bond set. Defendant remanded to the sheriff.
- ☐ Defendant remanded to custody by order of the court.
- ☐ Defendant to serve jail time in lieu of payment until court costs and/or fine is satisfied.
- ☐

Witness my Hand and Seal of Office at Houston, Texas, on 08/10/2020.

MARILYN BURGESS,
District Clerk, Harris County, Texas

By Deputy A GUZMAN DELGADO

SHERIFF'S RETURN

Received this Writ on _____ at _____ o'clock AM/PM, and executed the same on _____ by placing the above named defendant in the Harris County Jail.

Sheriff, Harris County Texas

By _____, HCSO Deputy

Exhibit 4

Case Filings in the case, *State of Texas v. Kiara Bennett*
Case no. 1685299 in the 338th District Court of Harris County, Texas

including

- the felony complaint
- the statutory warnings by magistrate – probable cause for further detention – PR bond/bail order
- the court directive, revoking the defendant's bond, remanding her to the custody of the sheriff, and setting the new bond at \$0 on August 10, 2020.

299

THE STATE OF TEXAS
VS.
KIARA BENNETT
6307 SPRIGG ST
FULSHEAR, TX 77441

338 Pend

SPN: 03053384
DOB: B F 01/04/2001
DATE PREPARED: 8/8/2020

D.A. LOG NUMBER: 2662375
CJIS TRACKING NO.: 9268125668A001
BY: ZG DA NO: 2620288
AGENCY: SHF
O/R NO: 200802579
ARREST DATE: 08/07/2020

NCIC CODE: 1399 23

RELATED CASES:

FELONY CHARGE: Assault

CAUSE NO:
HARRIS COUNTY DISTRICT COURT NO:
FIRST SETTING DATE:

1685299
338

COURT ORDERED BAIL: REFERRED TO
(15.17)
PRIOR CAUSE NO:
CHARGE SEQ NUM: 1

IN THE NAME AND BY AUTHORITY OF THE STATE OF TEXAS:

Before me, the undersigned Assistant District Attorney of Harris County, Texas, this day appeared the undersigned affiant, who under oath says that he has good reason to believe and does believe that in Harris County, Texas, **KIARA BENNETT**, hereafter styled the Defendant, heretofore on or about **August 7, 2020**, did then and there unlawfully, intentionally and knowingly cause bodily injury to K. Carter, hereinafter called the Complainant, a peace officer, by striking the Complainant with her foot, and at the time of the assault the defendant knew the complainant was a peace officer lawfully discharging an official duty.

FILED
Marilyn Burgess
District Clerk

AUG 08 2020

Time: 1400
Harris County, Texas
By: [Signature]
Deputy

AGAINST THE PEACE AND DIGNITY OF THE STATE.

Signed and sworn by me on August 08, 2020

[Signature]

AFFIANT

Duly attested by me on August 08, 2020

[Signature]

ASSISTANT DISTRICT ATTORNEY
OF HARRIS COUNTY, TEXAS
Bar No. 00792733

COMPLAINT

THE STATE OF TEXAS

v.

BENNETT, KIARADOB: January 4, 2001§ IN THE 338th DISTRICT COURT

§

§ HARRIS COUNTY, TEXAS**STATUTORY WARNINGS BY MAGISTRATE - PROBABLE CAUSE FOR FURTHER DETENTION – PR BOND/BAIL ORDER**

On this date and time the above-named defendant personally appeared before me, the undersigned Texas magistrate. The defendant appeared ☒ **in person** ☐ **by video teleconference** and I admonished the defendant as follows:

You are accused of 2ND DEGREE FELONY, namely, ASSAULT PEACE OFFICER/JUDGE.

- You have the right to hire an attorney to represent you.
- You have the right to remain silent.
- You have the right to have an attorney present prior to and during any interview with peace officers or attorneys representing the state.
- You have the right to stop any interview at any time.
- You have the right to an examining trial in a felony offense.
- You are not required to make a statement and any statement you make can be used against you.
- You have the right to request the appointment of counsel if you cannot afford counsel.

If you consent, I can appoint the Public Defender to represent you and describe evidence on your behalf in this bail hearing regardless of whether you are indigent. If you request appointed counsel and are later found to be indigent, another lawyer would be appointed to represent you in any trial or plea on the charge(s) listed above.

Do you consent to allow an assistant public defender to represent you in this bail hearing, knowing that this lawyer will not continue to represent you when this hearing is over? ☐ NO ☒ YES—

Pursuant to Joint Administrative Order No. 2017-01, Assistant Public Defender Henderson, Chris

(print name) represented the Defendant in this bail hearing.

Do you request the appointment of counsel to represent you in the county or district court if you are determined to be indigent?

☐ NO ☒ YES— The Court **ORDERS** Pretrial Services to help the defendant, if still in custody, prepare the request and any supporting paperwork, and then forward the request to the judge of the court in which the case is pending within 24 hours.

CONSULAR NOTIFICATION: If you are a foreign national, you may be entitled to have us notify your country's consular representative here in the United States. If your country requires notification, we will notify it as soon as possible.

The accused is a: ☒ United States citizen ☐ foreign national of (country).

☐ The accused requests notification of consular officials.

☐ **MANDATORY NOTIFICATION:** The clerk shall immediately alert the above country's consulate of this arrest.

If you are a foreign national, please provide the following information:

Name (father's last / mother's last / first)

Date of Birth

Place of Birth

Passport Number

Date Issued

Place Issued

PROBABLE CAUSE FINDING AND ORDER

- ☐ The Court **FINDS** that probable cause for further detention **DOES NOT EXIST**. The Court **ORDERS** the law enforcement agency and officer having custody of the defendant to immediately release the defendant from custody.
- ☒ The Court **FINDS** that probable cause for further detention **EXISTS**. The Court reviewed and/or set the defendant's bond as indicated in the BAIL ORDER below and, in clear and unambiguous language: (1) advised the defendant of his rights pursuant to TEX. CODE CRIM. P. Art. 15.17; and (2) provided the defendant with information required by law. The Court **ORDERS** the defendant committed to the custody of the Sheriff of Harris County, Texas, until he posts the required bond or until further order of the Court.
- ☐ Probable cause previously determined. The Court **ORDERS** the defendant committed to the custody of the Sheriff of Harris County, Texas, until he posts the required bond or until further order of the Court.

☒ **SEE NEXT PAGE FOR BAIL ORDER**

August 09, 2020 2:05 AM

Date and Time

Magistrate Eva Flores (SPN 02328033)

Magistrate (Judge or Hearing Officer)

(Rev. July 24, 2018)

Interpreter (if applicable)

Page 1 of 2

Having found probable cause exists for the further detention of **BENNETT, KIARA**, the Court next determined the conditions of release for the accused to ensure he/she will appear and answer before the proper Court.

The Court considered the Public Safety Assessment results and also considered the following presumptive personal bond recommendation:

- ☐ Personal Bond Recommended
☐ Personal Bond **NOT** Recommended
☒ Personal Bond Recommendation referred to Magistrate
☐ PSA NOT available

Presumptive Bail Amount \$888,888.00

- Personal Bond ☐ Requested ☒ Opposed
☐ No Position
- Bail Request ☐ No DA Bail Request
☐ Higher _____
☐ Lower _____
☒ No Bail

- Personal Bond ☒ Requested ☐ Opposed
☐ No Position
- Bail Request ☐ No PD Bail Request
☐ Higher _____
☒ Lower \$5,000.00
☐ No Bail

Signed and Sworn: ☒ Yes
☐ No


After considering the above, the Court (1) advised the defendant of his rights pursuant to TEX.CODE CRIM.P. ART 15.17; (2) set the defendant's conditions of release in clear and unambiguous language; and (3) provided the defendant with information required by law. The Court then ORDERED the following:

Bail is set at: ☐ No Bail ☒ \$10,000.00
☐ Conditions

Personal bond is: ☐ Not Approved On RIC PTRB - PCS (4/3/20); conditions incl. no drugs, RUA. NLR.
No HC convictions or holds.
☒ Approved ☐ Conditions

The reasons for this individual assessment of the appropriate conditions of release were explained to the above-named Defendant.

August 09, 2020 2:05 AM
Date and Time
 Magistrate **Eva Flores** (SPN 02328033)

 02328033

 Magistrate (Judge or Hearing Officer)
 (Rev. July 24, 2018)

Interpreter (if applicable)



CAUSE NO. 168529901010

THE STATE OF TEXAS

V.

BENNETT, KIARA

A/K/A :

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IN THE 338th DISTRICT
COURT
HARRIS COUNTY, TEXAS

COURT DIRECTIVE: REMAND DEFENDANT TO CUSTODY

BY THE ORDER OF THE COURT, the following activity is directed in the above styled and numbered cause:

- ☒ Bond REVOKED. New bond set at \$0.
Defendant remanded to the custody of the sheriff.
- ☐ MOTION TO ADJUDICATE GUILT filed.
Bond set at \$. Defendant remanded to the custody of the sheriff.
- ☐ Defendant found guilty. No bond set. Defendant remanded to the sheriff.
- ☐ Defendant remanded to custody by order of the court.
- ☐ Defendant to serve jail time in lieu of payment until court costs and/or fine is satisfied.
- ☐

Witness my Hand and Seal of Office at Houston, Texas, on 08/10/2020.

MARILYN BURGESS,
District Clerk, Harris County, Texas

By Deputy A GUZMAN DELGADO

SHERIFF'S RETURN

Received this Writ on _____ at _____ o'clock AM/PM, and executed the same on _____ by placing the above named defendant in the Harris County Jail.

Sheriff, Harris County Texas

By _____, HCSO Deputy

Exhibit 5

Case Filings in the case, *State of Texas v. Tomas Lara Martinez*
Case no. 1685375 in the 338th District Court of Harris County, Texas

including

- the felony complaint (with bail amount set thereupon at \$25,000)
- the court directive, revoking the defendant's bond, remanding him to the custody of the sheriff, and setting the new bond at \$0 on August 10, 2020.

THE STATE OF TEXAS
VS.
TOMAS LARA MARTINEZ
7816 NARCISSUS ST
HOUSTON, TX 770123642

SPN: 00703484
DOB: W M 10/03/1966
DATE PREPARED: 8/9/2020

D.A. LOG NUMBER: 2662556
CJIS TRACKING NO.: 9268126869A001
BY: BL DA NO: 2850257
AGENCY: HPD
O/R NO: 104413120
ARREST DATE: 08/08/2020

NCIC CODE: 5404 08

RELATED CASES:

FELONY CHARGE: **DRIVING WHILE INTOXICATED**

CAUSE NO:
HARRIS COUNTY DISTRICT COURT NO:
FIRST SETTING DATE:

1685375
338

COURT ORDERED BAIL: \$25000
PRIOR CAUSE NO:
CHARGE SEQ NUM: 1

IN THE NAME AND BY AUTHORITY OF THE STATE OF TEXAS:

Before me, the undersigned Assistant District Attorney of Harris County, Texas, this day appeared the undersigned affiant, who under oath says that he has good reason to believe and does believe that in Harris County, Texas, **TOMAS LARA MARTINEZ**, hereafter styled the Defendant, heretofore on or about **August 8, 2020**, did then and there unlawfully, operate a motor vehicle in a public place while intoxicated.

It is further presented that before the commission of the offense alleged above, on October 13, 1989, the Defendant was convicted of the offense of driving while intoxicated in Cause No. 8930396 in County Criminal Court at Law No. 5, Harris County, Texas.

It is further presented that before the commission of the offense alleged above, on August 25, 2010, the Defendant was convicted of the offense of driving while intoxicated in Cause No. 1699219 in County Criminal Court at Law No. 14, Harris County, Texas.

FILED

Marilyn Burgess
District Clerk

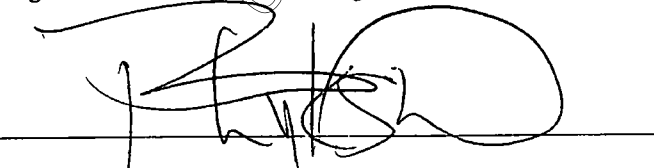
AUG 09 2020

Time: 0719
Harris County, Texas

By EF
Deputy

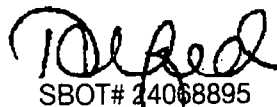
AGAINST THE PEACE AND DIGNITY OF THE STATE.

Signed and sworn by me on August 09, 2020



AFFIANT

Duly attested by me on August 09, 2020


SBOT# 24068895

ASSISTANT DISTRICT ATTORNEY
OF HARRIS COUNTY, TEXAS
Bar No.

COMPLAINT



CAUSE NO. **168537501010**

THE STATE OF TEXAS

V.

MARTINEZ, TOMAS LARRY

A/K/A : MARTINEZ, TOMAS LARRY AKA
ORTIZ, RAMON GARZA

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IN THE 338th DISTRICT
COURT
HARRIS COUNTY, TEXAS

COURT DIRECTIVE: REMAND DEFENDANT TO CUSTODY

BY THE ORDER OF THE COURT, the following activity is directed in the above styled and numbered cause:

- ☒ Bond REVOKED. New bond set at \$0.
Defendant remanded to the custody of the sheriff.
- ☐ MOTION TO ADJUDICATE GUILT filed.
Bond set at \$. Defendant remanded to the custody of the sheriff.
- ☐ Defendant found guilty. No bond set. Defendant remanded to the sheriff.
- ☐ Defendant remanded to custody by order of the court.
- ☐ Defendant to serve jail time in lieu of payment until court costs and/or fine is satisfied.
- ☐

Witness my Hand and Seal of Office at Houston, Texas, on **08/10/2020**.

MARILYN BURGESS,
District Clerk, Harris County, Texas

By Deputy A GUZMAN DELGADO

SHERIFF'S RETURN

Received this Writ on _____ at _____ o'clock AM/PM, and executed the same on _____ by placing the above named defendant in the Harris County Jail.

Sheriff, Harris County Texas

By _____, HCSO Deputy

Exhibit 6

Case Filings in the case, *State of Texas v. Franciso Sanmiguel Garza*
Case no. 1685502 in the 338th District Court of Harris County, Texas

including

- the felony complaint
- the statutory warnings by magistrate - probable cause for further detention – PR bond/bail order
- the court directive, revoking the defendant's bond, remanding them to the custody of the sheriff, and setting the new bond at \$0 on August 11, 2020.

507

338

THE STATE OF TEXAS
VS.

FRANCISCO SANMIGUEL GARZA
450 E ROGERS ST, APT #2311
HOUSTON, TX 77022

SPN: 02316455
DOB: W M 04/27/1990
DATE PREPARED: 8/10/2020

D.A. LOG NUMBER: 2662828
CJIS TRACKING NO.: 9268129183A001
BY: EH DA NO: 2620288
AGENCY:HPD
O/R NO: 104924820
ARREST DATE: 08/09/2020

NCIC CODE: 1314 08

RELATED CASES:

FELONY CHARGE: Assault of Family Member -Impeding Breathing

CAUSE NO:

HARRIS COUNTY DISTRICT COURT NO:

FIRST SETTING DATE:

1685502
338

COURT ORDERED BAIL: REFERRED TO
(15.17)
PRIOR CAUSE NO:
CHARGE SEQ NUM: 1

IN THE NAME AND BY AUTHORITY OF THE STATE OF TEXAS:

Before me, the undersigned Assistant District Attorney of Harris County, Texas, this day appeared the undersigned affiant, who under oath says that he has good reason to believe and does believe that in Harris County, Texas, **FRANCISCO SANMIGUEL GARZA**, hereafter styled the Defendant, heretofore on or about **August 9, 2020**, did then and there unlawfully, intentionally and knowingly cause bodily injury to Diana Benavidez, hereafter styled the Complainant, a person with whom the Defendant had a dating relationship, by impeding the normal breathing and circulation of the blood of the Complainant by applying pressure to the Complainant's throat and by applying pressure to the Complainant's neck.

FILED

Marilyn Burgess
District Clerk

AUG 10 2020

Time: 0850
Harris County, Texas
By bm
Deputy

AGAINST THE PEACE AND DIGNITY OF THE STATE.

Signed and sworn by me on August 10, 2020

[Signature]

AFFIANT

Duly attested by me on August 10, 2020

[Signature]

ASSISTANT DISTRICT ATTORNEY
OF HARRIS COUNTY, TEXAS
Bar No. 24013037

COMPLAINT

THE STATE OF TEXAS

v.

GARZA, FRANCISCO SANMIGUELDOB: April 27, 1990§ IN THE 338th DISTRICT COURT

§

§ HARRIS COUNTY, TEXAS**STATUTORY WARNINGS BY MAGISTRATE - PROBABLE CAUSE FOR FURTHER DETENTION – PR BOND/BAIL ORDER**

On this date and time the above-named defendant personally appeared before me, the undersigned Texas magistrate. The defendant appeared ☒ **in person** ☐ **by video teleconference** and I admonished the defendant as follows:

You are accused of 3RD DEGREE FELONY, namely, ASLT FAM/HOUSE MEM IMPED BRTH/CIRCU.

- You have the right to hire an attorney to represent you.
- You have the right to remain silent.
- You have the right to have an attorney present prior to and during any interview with peace officers or attorneys representing the state.
- You have the right to stop any interview at any time.
- You have the right to an examining trial in a felony offense.
- You are not required to make a statement and any statement you make can be used against you.
- You have the right to request the appointment of counsel if you cannot afford counsel.

If you consent, I can appoint the Public Defender to represent you and describe evidence on your behalf in this bail hearing regardless of whether you are indigent. If you request appointed counsel and are later found to be indigent, another lawyer would be appointed to represent you in any trial or plea on the charge(s) listed above.

Do you consent to allow an assistant public defender to represent you in this bail hearing, knowing that this lawyer will not continue to represent you when this hearing is over? ☐ NO ☒ YES— Pursuant to Joint Administrative Order No. 2017-01, Assistant

Public Defender Hoang, Bao-Long

(print name) represented the Defendant in this bail hearing.

Do you request the appointment of counsel to represent you in the county or district court if you are determined to be indigent?

☐ NO ☒ YES— The Court **ORDERS** Pretrial Services to help the defendant, if still in custody, prepare the request and any supporting paperwork, and then forward the request to the judge of the court in which the case is pending within 24 hours.

CONSULAR NOTIFICATION: If you are a foreign national, you may be entitled to have us notify your country's consular representative here in the United States. If your country requires notification, we will notify it as soon as possible.

The accused is a: ☒ United States citizen ☐ foreign national of (country).

☐ The accused requests notification of consular officials.

☐ **MANDATORY NOTIFICATION:** The clerk shall immediately alert the above country's consulate of this arrest.

If you are a foreign national, please provide the following information:

Name (father's last / mother's last / first)

Date of Birth

Place of Birth

Passport Number

Date Issued

Place Issued

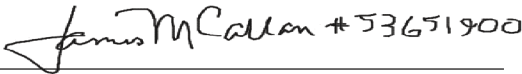
PROBABLE CAUSE FINDING AND ORDER

- ☐ The Court **FINDS** that probable cause for further detention **DOES NOT EXIST**. The Court **ORDERS** the law enforcement agency and officer having custody of the defendant to immediately release the defendant from custody.
- ☒ The Court **FINDS** that probable cause for further detention **EXISTS**. The Court reviewed and/or set the defendant's bond as indicated in the BAIL ORDER below and, in clear and unambiguous language: (1) advised the defendant of his rights pursuant to TEX. CODE CRIM. P. Art. 15.17; and (2) provided the defendant with information required by law. The Court **ORDERS** the defendant committed to the custody of the Sheriff of Harris County, Texas, until he posts the required bond or until further order of the Court.
- ☐ Probable cause previously determined. The Court **ORDERS** the defendant committed to the custody of the Sheriff of Harris County, Texas, until he posts the required bond or until further order of the Court.

☒ **SEE NEXT PAGE FOR BAIL ORDER**

August 10, 2020 14:35 PM

Date and Time

Magistrate jim callan (SPN 53651900)

Magistrate (Judge or Hearing Officer)

(Rev. July 24, 2018)

Interpreter (if applicable)

Page 1 of 2

STATUTORY WARNINGS BY MAGISTRATE - PROBABLE CAUSE FOR FURTHER DETENTION – PR BOND/BAIL ORDER

PERSONAL BOND / BAIL ORDER

Having found probable cause exists for the further detention of GARZA, FRANCISCO SANMIGUEL, the Court next determined the conditions of release for the accused to ensure he/she will appear and answer before the proper Court.

PART 1: PUBLIC SAFETY ASSESSMENT

The Court considered the Public Safety Assessment results and also considered the following presumptive personal bond recommendation:

- ☐ Personal Bond Recommended
☐ Personal Bond **NOT** Recommended
☒ Personal Bond Recommendation referred to Magistrate
☐ PSA NOT available

PART 2: PERSONAL BOND / BAIL REQUESTS

Presumptive Bail Amount \$888,888.00

A. DISTRICT ATTORNEY PR BOND / BAIL REQUEST

- Personal Bond ☒ Requested ☐ Opposed
☐ No Position
- Bail Request ☐ No DA Bail Request
☐ Higher _____
☒ Lower \$30,000.00
☐ No Bail

B. PUBLIC DEFENDER PR BOND / BAIL REQUEST

- Personal Bond ☒ Requested ☐ Opposed
☐ No Position
- Bail Request ☐ No PD Bail Request
☐ Higher _____
☒ Lower \$3,000.00
☐ No Bail

PART 3: FINANCIAL AFFIDAVIT

Signed and Sworn: ☒ Yes
☐ No

ORDER

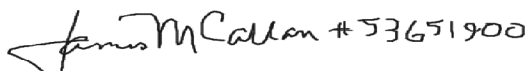
After considering the above, the Court (1) advised the defendant of his rights pursuant to TEX.CODE CRIM.P. ART 15.17; (2) set the defendant's conditions of release in clear and unambiguous language; and (3) provided the defendant with information required by law. The Court then ORDERED the following:

Bail is set at: ☐ No Bail ☒ \$5,000.00
☐ Conditions

Personal bond is: ☒ Not Approved /// MTN BND CNDTNS & MOEP /// HC: NONE /// GRANT MOEP
///
☐ Approved ☐ Conditions

The reasons for this individual assessment of the appropriate conditions of release were explained to the above-named Defendant.

August 10, 2020 14:35 PM
 Date and Time
 Magistrate jim callan (SPN 53651900)


 Magistrate (Judge or Hearing Officer)
 (Rev. July 24, 2018)

Interpreter (if applicable)



CAUSE NO. 168550201010

THE STATE OF TEXAS

v.

GARZA, FRANCISCO SANMIGUEL

A/K/A : GARZA, FRANCISCO SAN M AKA
GARZA, FRANCISCO SAN MIGU AKA
GARZA, FRANCISCO SAN MIGUEL II

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IN THE 338th DISTRICT
COURT
HARRIS COUNTY, TEXAS

COURT DIRECTIVE: REMAND DEFENDANT TO CUSTODY

BY THE ORDER OF THE COURT, the following activity is directed in the above styled and numbered cause:

- ☒ Bond REVOKED. New bond set at \$0.
Defendant remanded to the custody of the sheriff.
- ☐ MOTION TO ADJUDICATE GUILT filed.
Bond set at \$. Defendant remanded to the custody of the sheriff.
- ☐ Defendant found guilty. No bond set. Defendant remanded to the sheriff.
- ☒ Defendant remanded to custody by order of the court.
- ☐ Defendant to serve jail time in lieu of payment until court costs and/or fine is satisfied.
- ☐

Witness my Hand and Seal of Office at Houston, Texas, on 08/11/2020.

MARILYN BURGESS,
District Clerk, Harris County, Texas

Felicia Ayala

By Deputy F AYALA

SHERIFF'S RETURN

Received this Writ on _____ at _____ o'clock AM/PM, and executed the same on _____ by placing the above named defendant in the Harris County Jail.

Sheriff, Harris County Texas

By _____, HCSO Deputy

Exhibit 7

Case Filings in the case, *State of Texas v. Moises Perales*
Case no. 1686092 in the 338th District Court of Harris County, Texas

including

- the felony complaint
- the statutory warnings by magistrate - probable cause for further detention – PR bond/bail order
- the court directive, revoking the defendant's bond, remanding them to the custody of the sheriff, and setting the new bond at \$0 on August 17, 2020.

THE STATE OF TEXAS
VS.
MOISES PERALES
5112 MOHAWK ST
HOUSTON, TX 77093

01859590

SPN: 01859590
DOB: W M 05/10/1984
DATE PREPARED: 8/14/2020

D.A. LOG NUMBER: 2663739
CJIS TRACKING NO.: 9268136805A001
BY: MRM DA NO: 2533916
AGENCY: SHF
O/R NO: 200804844
ARREST DATE: 08/13/2020

NCIC CODE: 1399 09

RELATED CASES:

FELONY CHARGE: **Assault - Family Violence - 2nd Offender**

CAUSE NO:
HARRIS COUNTY DISTRICT COURT NO:
FIRST SETTING DATE:

1686092
338

COURT ORDERED BAIL: **REFERRED TO**
(15.17)
PRIOR CAUSE NO:
CHARGE SEQ NUM: 1

IN THE NAME AND BY AUTHORITY OF THE STATE OF TEXAS:

Before me, the undersigned Assistant District Attorney of Harris County, Texas, this day appeared the undersigned affiant, who under oath says that he has good reason to believe and does believe that in Harris County, Texas, **MOISES PERALES**, hereafter styled the Defendant, heretofore on or about **August 13, 2020**, did then and there unlawfully, intentionally and knowingly cause bodily injury to Cynthia Martin, hereafter styled the Complainant, a member of the Defendant's family and a person with whom the Defendant had a dating relationship, by grabbing the Complainant with hand.

It is further presented that before the commission alleged above, the Defendant, on March 3, 2005, in the District Court of Scott County, Iowa, in Cause No. 07821SRCR273340, was convicted of Domestic Abuse Assault which was committed against a member of the Defendant's family, a member of the Defendant's household and a person with whom the Defendant had a dating relationship.

FILED
Marilyn Burgess
District Clerk

AUG 14 2020

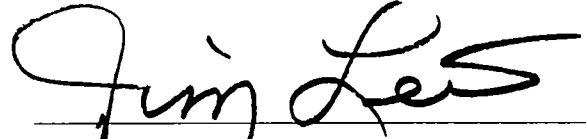
Time: _____
Harris County, Texas
By _____
Deputy

AGAINST THE PEACE AND DIGNITY OF THE STATE.

Signed and sworn by me on August 14, 2020


AFFIANT

Duly attested by me on August 14, 2020


ASSISTANT DISTRICT ATTORNEY
OF HARRIS COUNTY, TEXAS
Bar No. 12187900

COMPLAINT

THE STATE OF TEXAS

§ IN THE 338th DISTRICT COURT

v.

§

PERALES, MOISES

§

HARRIS COUNTY, TEXASDOB: May 10, 1984**STATUTORY WARNINGS BY MAGISTRATE - PROBABLE CAUSE FOR FURTHER DETENTION – PR BOND/BAIL ORDER**

On this date and time the above-named defendant personally appeared before me, the undersigned Texas magistrate. The defendant appeared ☒ **in person** ☐ **by video teleconference** and I admonished the defendant as follows:

You are accused of 3RD DEGREE FELONY, namely, ASSLT FAM/HOUSEHOLD MEM W/PREV CONV.

- You have the right to hire an attorney to represent you.
- You have the right to remain silent.
- You have the right to have an attorney present prior to and during any interview with peace officers or attorneys representing the state.
- You have the right to stop any interview at any time.
- You have the right to an examining trial in a felony offense.
- You are not required to make a statement and any statement you make can be used against you.
- You have the right to request the appointment of counsel if you cannot afford counsel.

If you consent, I can appoint the Public Defender to represent you and describe evidence on your behalf in this bail hearing regardless of whether you are indigent. If you request appointed counsel and are later found to be indigent, another lawyer would be appointed to represent you in any trial or plea on the charge(s) listed above.

Do you consent to allow an assistant public defender to represent you in this bail hearing, knowing that this lawyer will not continue to represent you when this hearing is over? ☐ NO ☒ YES—

Pursuant to Joint Administrative Order No. 2017-01, Assistant Public Defender Hundemer, Robert

(print name) represented the Defendant in this bail hearing.

Do you request the appointment of counsel to represent you in the county or district court if you are determined to be indigent?

☐ NO ☒ YES— The Court **ORDERS** Pretrial Services to help the defendant, if still in custody, prepare the request and any supporting paperwork, and then forward the request to the judge of the court in which the case is pending within 24 hours.

CONSULAR NOTIFICATION: If you are a foreign national, you may be entitled to have us notify your country's consular representative here in the United States. If your country requires notification, we will notify it as soon as possible.

The accused is a: ☒ United States citizen ☐ foreign national of (country).

☐ The accused requests notification of consular officials.

☐ **MANDATORY NOTIFICATION:** The clerk shall immediately alert the above country's consulate of this arrest.

If you are a foreign national, please provide the following information:

Name (father's last / mother's last / first)

Date of Birth

Place of Birth

Passport Number

Date Issued

Place Issued

PROBABLE CAUSE FINDING AND ORDER

- ☐ The Court **FINDS** that probable cause for further detention **DOES NOT EXIST**. The Court **ORDERS** the law enforcement agency and officer having custody of the defendant to immediately release the defendant from custody.
- ☒ The Court **FINDS** that probable cause for further detention **EXISTS**. The Court reviewed and/or set the defendant's bond as indicated in the BAIL ORDER below and, in clear and unambiguous language: (1) advised the defendant of his rights pursuant to TEX. CODE CRIM. P. Art. 15.17; and (2) provided the defendant with information required by law. The Court **ORDERS** the defendant committed to the custody of the Sheriff of Harris County, Texas, until he posts the required bond or until further order of the Court.
- ☐ Probable cause previously determined. The Court **ORDERS** the defendant committed to the custody of the Sheriff of Harris County, Texas, until he posts the required bond or until further order of the Court.

☒ **SEE NEXT PAGE FOR BAIL ORDER**

August 14, 2020 11:16 AM

Date and Time

Magistrate (Judge or Hearing Officer)

Magistrate Courtney St. Julian (SPN 02129400)

(Rev. July 24, 2018)

Interpreter (if applicable)

Page 1 of 2

STATUTORY WARNINGS BY MAGISTRATE - PROBABLE CAUSE FOR FURTHER DETENTION – PR BOND/BAIL ORDER

PERSONAL BOND / BAIL ORDER

Having found probable cause exists for the further detention of PERALES, MOISES, the Court next determined the conditions of release for the accused to ensure he/she will appear and answer before the proper Court.

PART 1: PUBLIC SAFETY ASSESSMENT

The Court considered the Public Safety Assessment results and also considered the following presumptive personal bond recommendation:

- ☐ Personal Bond Recommended
☐ Personal Bond **NOT** Recommended
☒ Personal Bond Recommendation referred to Magistrate
☐ PSA NOT available

PART 2: PERSONAL BOND / BAIL REQUESTS

Presumptive Bail Amount \$888,888.00

A. DISTRICT ATTORNEY PR BOND / BAIL REQUEST

- Personal Bond ☐ Requested ☒ Opposed
☐ No Position
- Bail Request ☐ No DA Bail Request
☐ Higher _____
☒ Lower \$15,000.00
☐ No Bail

B. PUBLIC DEFENDER PR BOND / BAIL REQUEST

- Personal Bond ☒ Requested ☐ Opposed
☐ No Position
- Bail Request ☐ No PD Bail Request
☐ Higher _____
☒ Lower \$3,000.00
☐ No Bail

PART 3: FINANCIAL AFFIDAVIT

Signed and Sworn: ☒ Yes
☐ No

ORDER

After considering the above, the Court (1) advised the defendant of his rights pursuant to TEX.CODE CRIM.P. ART 15.17; (2) set the defendant's conditions of release in clear and unambiguous language; and (3) provided the defendant with information required by law. The Court then ORDERED the following:

Bail is set at: ☐ No Bail ☒ \$15,000.00
☐ Conditions

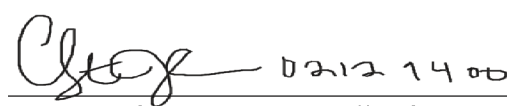
Personal bond is: ☐ Not Approved _____
☒ Approved ☒ Conditions

The reasons for this individual assessment of the appropriate conditions of release were explained to the above-named Defendant.

August 14, 2020 11:16 AM

Date and Time

Magistrate Courtney St.Julian (SPN 02129400)

 0212 14 00
 Magistrate (Judge or Hearing Officer)

(Rev. July 24, 2018)

Interpreter (if applicable)

Page 2 of 2



CAUSE NO. 168609201010

THE STATE OF TEXAS

V.

PERALES, MOISES

A/K/A : PERALES, MOISES

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IN THE 338th DISTRICT
COURT
HARRIS COUNTY, TEXAS

COURT DIRECTIVE: REMAND DEFENDANT TO CUSTODY

BY THE ORDER OF THE COURT, the following activity is directed in the above styled and numbered cause:

- ☒ Bond REVOKED. New bond set at \$0.
Defendant remanded to the custody of the sheriff.
- ☐ MOTION TO ADJUDICATE GUILT filed.
Bond set at \$. Defendant remanded to the custody of the sheriff.
- ☐ Defendant found guilty. No bond set. Defendant remanded to the sheriff.
- ☐ Defendant remanded to custody by order of the court.
- ☐ Defendant to serve jail time in lieu of payment until court costs and/or fine is satisfied.
- ☐

Witness my Hand and Seal of Office at Houston, Texas, on 08/17/2020.

MARILYN BURGESS,
District Clerk, Harris County, Texas

Felicia Ayala

By Deputy F AYALA

SHERIFF'S RETURN

Received this Writ on _____ at _____ o'clock AM/PM, and executed the same on _____ by placing the above named defendant in the Harris County Jail.

Sheriff, Harris County Texas

By _____, HCSO Deputy

Exhibit 8

Case Filings in the case, *State of Texas v. Joe Anthony Ruiz*
Case no. 1686498 in the 338th District Court of Harris County, Texas

including

- the felony complaint
- the statutory warnings by magistrate - probable cause for further detention – PR bond/bail order
- the court directive, revoking the defendant's bond, remanding them to the custody of the sheriff, and setting the new bond at \$0 on August 18, 2020.

498
THE STATE OF TEXAS
VS.
JOE ANTHONY RUIZ
611 DORCHESTER ST
HOUSTON, TX 77022

338
SPN: 02959798
DOB: W M 06/09/1999
DATE PREPARED: 8/17/2020

✓
D.A. LOG NUMBER: 2664636
CJIS TRACKING NO.: 9268144697A001
BY: AA DA NO: 1892669
AGENCY:HPD
O/R NO: 108309420
ARREST DATE: 08/17/2020

NCIC CODE: 1399 03

RELATED CASES:

FELONY CHARGE: Assault of Family Member Second Offender and Impeding Breathing

CAUSE NO:
HARRIS COUNTY DISTRICT COURT NO:
FIRST SETTING DATE:

1686498
338

COURT ORDERED BAIL: REFERRED TO
(15.17)
PRIOR CAUSE NO:
CHARGE SEQ NUM: 1

IN THE NAME AND BY AUTHORITY OF THE STATE OF TEXAS:

Before me, the undersigned Assistant District Attorney of Harris County, Texas, this day appeared the undersigned affiant, who under oath says that he has good reason to believe and does believe that in Harris County, Texas, **JOE ANTHONY RUIZ**, hereafter styled the Defendant, heretofore on or about **August 17, 2020**, did then and there unlawfully, intentionally and knowingly cause bodily injury to Denise Silva, hereafter styled the Complainant, a person with whom the Defendant had a dating relationship, by impeding the normal breathing or circulation of the blood of the Complainant by applying pressure to the Complainant's throat and applying pressure to the Complainant's neck.

It is further presented that, before the commission alleged above, the Defendant, on April 8, 2019, in the 228th District Court of Harris County, Texas, in Cause Number 1601846, was convicted of Family Assault, which was committed against a person with whom the Defendant had a dating relationship.

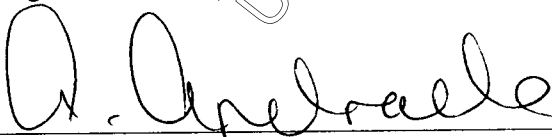
FILED
Marilyn Burgess
District Clerk

AUG 17 2020

Time: 10:30
Harris County, Texas
By Bm
Deputy

AGAINST THE PEACE AND DIGNITY OF THE STATE.

Signed and sworn by me on August 17, 2020



AFFIANT

Duly attested by me on August 17, 2020



ASSISTANT DISTRICT ATTORNEY
OF HARRIS COUNTY, TEXAS
Bar No. 24058294

COMPLAINT

THE STATE OF TEXAS

v.

RUIZ, JOE ANTHONYDOB: June 9, 1999§ IN THE 338th DISTRICT COURT

§

§ HARRIS COUNTY, TEXAS**STATUTORY WARNINGS BY MAGISTRATE - PROBABLE CAUSE FOR FURTHER DETENTION – PR BOND/BAIL ORDER**

On this date and time the above-named defendant personally appeared before me, the undersigned Texas magistrate. The defendant appeared ☒ **in person** ☐ **by video teleconference** and I admonished the defendant as follows:

You are accused of 2ND DEGREE FELONY, namely, ASSLT INT/RCK/IMP/BRTH/CIRC/PRECONV.

- You have the right to hire an attorney to represent you.
- You have the right to remain silent.
- You have the right to have an attorney present prior to and during any interview with peace officers or attorneys representing the state.
- You have the right to stop any interview at any time.
- You have the right to an examining trial in a felony offense.
- You are not required to make a statement and any statement you make can be used against you.
- You have the right to request the appointment of counsel if you cannot afford counsel.

If you consent, I can appoint the Public Defender to represent you and describe evidence on your behalf in this bail hearing regardless of whether you are indigent. If you request appointed counsel and are later found to be indigent, another lawyer would be appointed to represent you in any trial or plea on the charge(s) listed above.

Do you consent to allow an assistant public defender to represent you in this bail hearing, knowing that this lawyer will not continue to represent you when this hearing is over? ☐ NO ☒ YES—

Pursuant to Joint Administrative Order No. 2017-01, Assistant Public Defender Arline, Tanesha

(print name) represented the Defendant in this bail hearing.

Do you request the appointment of counsel to represent you in the county or district court if you are determined to be indigent?

☐ NO ☒ YES— The Court **ORDERS** Pretrial Services to help the defendant, if still in custody, prepare the request and any supporting paperwork, and then forward the request to the judge of the court in which the case is pending within 24 hours.

CONSULAR NOTIFICATION: If you are a foreign national, you may be entitled to have us notify your country's consular representative here in the United States. If your country requires notification, we will notify it as soon as possible.

The accused is a: ☒ United States citizen ☐ foreign national of (country).

☐ The accused requests notification of consular officials.

☐ **MANDATORY NOTIFICATION:** The clerk shall immediately alert the above country's consulate of this arrest.

If you are a foreign national, please provide the following information:

Name (father's last / mother's last / first)

Date of Birth

Place of Birth

Passport Number

Date Issued

Place Issued

PROBABLE CAUSE FINDING AND ORDER

- ☐ The Court **FINDS** that probable cause for further detention **DOES NOT EXIST**. The Court **ORDERS** the law enforcement agency and officer having custody of the defendant to immediately release the defendant from custody.
- ☒ The Court **FINDS** that probable cause for further detention **EXISTS**. The Court reviewed and/or set the defendant's bond as indicated in the BAIL ORDER below and, in clear and unambiguous language: (1) advised the defendant of his rights pursuant to TEX. CODE CRIM. P. Art. 15.17; and (2) provided the defendant with information required by law. The Court **ORDERS** the defendant committed to the custody of the Sheriff of Harris County, Texas, until he posts the required bond or until further order of the Court.
- ☐ Probable cause previously determined. The Court **ORDERS** the defendant committed to the custody of the Sheriff of Harris County, Texas, until he posts the required bond or until further order of the Court.

☒ **SEE NEXT PAGE FOR BAIL ORDER**

August 17, 2020 15:14 PM

Date and Time

Magistrate jim callan (SPN 53651900)

James McCallan #53651900

Magistrate (Judge or Hearing Officer)

(Rev. July 24, 2018)

Interpreter (if applicable)

Page 1 of 2

STATUTORY WARNINGS BY MAGISTRATE - PROBABLE CAUSE FOR FURTHER DETENTION - PR BOND/BAIL ORDER

PERSONAL BOND / BAIL ORDER

Having found probable cause exists for the further detention of RUIZ, JOE ANTHONY, the Court next determined the conditions of release for the accused to ensure he/she will appear and answer before the proper Court.

PART 1: PUBLIC SAFETY ASSESSMENT

The Court considered the Public Safety Assessment results and also considered the following presumptive personal bond recommendation:

- ☐ Personal Bond Recommended
☐ Personal Bond **NOT** Recommended
☒ Personal Bond Recommendation referred to Magistrate
☐ PSA NOT available

PART 2: PERSONAL BOND / BAIL REQUESTS

Presumptive Bail Amount \$888,888.00

A. DISTRICT ATTORNEY PR BOND / BAIL REQUEST

- Personal Bond ☐ Requested ☒ Opposed
☐ No Position
- Bail Request ☐ No DA Bail Request
☐ Higher _____
☒ Lower \$40,000.00
☐ No Bail

B. PUBLIC DEFENDER PR BOND / BAIL REQUEST

- Personal Bond ☒ Requested ☐ Opposed
☐ No Position
- Bail Request ☐ No PD Bail Request
☐ Higher _____
☒ Lower \$10,000.00
☐ No Bail

PART 3: FINANCIAL AFFIDAVIT

Signed and Sworn: ☐ Yes
☒ No

ORDER

After considering the above, the Court (1) advised the defendant of his rights pursuant to TEX.CODE CRIM.P. ART 15.17; (2) set the defendant's conditions of release in clear and unambiguous language; and (3) provided the defendant with information required by law. The Court then ORDERED the following:

Bail is set at: ☐ No Bail ☒ \$20,000.00
☐ Conditions

Personal bond is: ☒ Not Approved /// MTNS ? /// DEF ON BND POCS PG3 < 28G /// HC: M - 2 X POM, ASSLT FV /// 6-3 RISK /// MOEP GRANTED /// NO CNDTNS
☐ Approved ☐ Conditions

The reasons for this individual assessment of the appropriate conditions of release were explained to the above-named Defendant.

August 17, 2020 15:14 PM
 Date and Time
 Magistrate jim callan (SPN 53651900)

James McCallan #53651900
 Magistrate (Judge or Hearing Officer)
 (Rev. July 24, 2018)

Interpreter (if applicable)



CAUSE NO. 168649801010

THE STATE OF TEXAS

V.

RUIZ, JOE ANTHONY

A/K/A :

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§
§

IN THE 338th DISTRICT
COURT
HARRIS COUNTY, TEXAS

COURT DIRECTIVE: REMAND DEFENDANT TO CUSTODY

BY THE ORDER OF THE COURT, the following activity is directed in the above styled and numbered cause:

- ☒ Bond REVOKED. New bond set at \$0.
Defendant remanded to the custody of the sheriff.
- ☐ MOTION TO ADJUDICATE GUILT filed.
Bond set at \$. Defendant remanded to the custody of the sheriff.
- ☐ Defendant found guilty. No bond set. Defendant remanded to the sheriff.
- ☐ Defendant remanded to custody by order of the court.
- ☐ Defendant to serve jail time in lieu of payment until court costs and/or fine is satisfied.
- ☐

Witness my Hand and Seal of Office at Houston, Texas, on 08/18/2020.

MARILYN BURGESS,
District Clerk, Harris County, Texas

Felicia Ayala

By Deputy F AYALA

SHERIFF'S RETURN

Received this Writ on _____ at _____ o'clock AM/PM, and executed the same on _____ by placing the above named defendant in the Harris County Jail.

Sheriff, Harris County Texas

By _____, HCSO Deputy

Exhibit 9

Case Filings in the case, *State of Texas v. Jennifer Jennisch*
Case no. 1687204 in the 338th District Court of Harris County, Texas

including

- the felony complaint
- the statutory warnings by magistrate - probable cause for further detention – PR bond/bail order
- the court directive, revoking the defendant's bond, remanding them to the custody of the sheriff, and setting the new bond at \$0 on August 24, 2020.

THE STATE OF TEXAS
VS.
JENNIFER JENNISCH
18906 KAYBULL DR
HARRIS COUNTY, TX 77346

01343917

SPN: 01343917
DOB: W F 03/27/1975
DATE PREPARED: 8/22/2020

D.A. LOG NUMBER: 2665902
CJIS TRACKING NO.: 9268155362A001
BY: PB DA NO: 1792915
AGENCY: HBD
O/R NO: 20003366
ARREST DATE: 08/21/2020

NCIC CODE: 2411 11

RELATED CASES: NONE

FELONY CHARGE: UNAUTHORIZED USE OF A VEHICLE

CAUSE NO:
HARRIS COUNTY DISTRICT COURT NO:
FIRST SETTING DATE:

1687204
338

COURT ORDERED BAIL: REFERRED TO
(15.17)
PRIOR CAUSE NO:
CHARGE SEQ NUM: 1

IN THE NAME AND BY AUTHORITY OF THE STATE OF TEXAS:

Before me, the undersigned Assistant District Attorney of Harris County, Texas, this day appeared the undersigned affiant, who under oath says that he has good reason to believe and does believe that in Harris County, Texas, **JENNIFER JENNISCH**, hereafter styled the Defendant, heretofore on or about **August 21, 2020**, did then and there unlawfully, intentionally and knowingly operate a motor-propelled vehicle, namely, an automobile, owned by Scott Keefe, hereafter styled the Complainant, without the effective consent of the Complainant.

Before the commission of the offense alleged above, (hereafter styled the primary offense, on August 20, 1996, in Cause Number 0675567, in the 176th District Court of Harris County, Texas, the Defendant was convicted of the felony offense of Credit Card Abuse.


Before the commission of the primary offense, and after the conviction in Cause Number 0675567 was final, the Defendant committed the felony offense of Possession of a Controlled Substance and was finally convicted of that offense on March 14, 2008, in Cause Number 1157684, in the 185th District Court of Harris County, Texas.

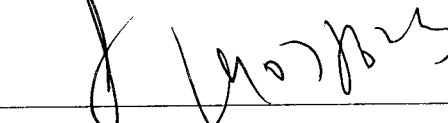
FILED
Marilyn Burgess
District Clerk
AUG 22 2020
Time: _____
By: _____
Harris County, Texas
Deputy

AGAINST THE PEACE AND DIGNITY OF THE STATE.

Signed and sworn by me on August 22, 2020

Duly attested by me on August 22, 2020


AFFIANT


ASSISTANT DISTRICT ATTORNEY
OF HARRIS COUNTY, TEXAS
Bar No.

COMPLAINT

THE STATE OF TEXAS

v.

JENNISCH, JENNIFERDOB: March 27, 1975§ IN THE 338th DISTRICT COURT

§

§ HARRIS COUNTY, TEXAS**STATUTORY WARNINGS BY MAGISTRATE - PROBABLE CAUSE FOR FURTHER DETENTION – PR BOND/BAIL ORDER**

On this date and time the above-named defendant personally appeared before me, the undersigned Texas magistrate. The defendant appeared ☒ **in person** ☐ **by video teleconference** and I admonished the defendant as follows:

You are accused of STATE JAIL FELONY, namely, UNAUTH USE OF VEHICLE.

- You have the right to hire an attorney to represent you.
- You have the right to remain silent.
- You have the right to have an attorney present prior to and during any interview with peace officers or attorneys representing the state.
- You have the right to stop any interview at any time.
- You have the right to an examining trial in a felony offense.
- You are not required to make a statement and any statement you make can be used against you.
- You have the right to request the appointment of counsel if you cannot afford counsel.

If you consent, I can appoint the Public Defender to represent you and describe evidence on your behalf in this bail hearing regardless of whether you are indigent. If you request appointed counsel and are later found to be indigent, another lawyer would be appointed to represent you in any trial or plea on the charge(s) listed above.

Do you consent to allow an assistant public defender to represent you in this bail hearing, knowing that this lawyer will not continue to represent you when this hearing is over? ☐ NO ☒ YES—

Pursuant to Joint Administrative Order No. 2017-01, Assistant Public Defender Henderson, Chris

(print name) represented the Defendant in this bail hearing.

Do you request the appointment of counsel to represent you in the county or district court if you are determined to be indigent?

☐ NO ☒ YES— The Court **ORDERS** Pretrial Services to help the defendant, if still in custody, prepare the request and any supporting paperwork, and then forward the request to the judge of the court in which the case is pending within 24 hours.

CONSULAR NOTIFICATION: If you are a foreign national, you may be entitled to have us notify your country's consular representative here in the United States. If your country requires notification, we will notify it as soon as possible.

The accused is a: ☒ United States citizen ☐ foreign national of (country).

☐ The accused requests notification of consular officials.

☐ **MANDATORY NOTIFICATION:** The clerk shall immediately alert the above country's consulate of this arrest.

If you are a foreign national, please provide the following information:

Name (father's last / mother's last / first)

Date of Birth

Place of Birth

Passport Number

Date Issued

Place Issued

PROBABLE CAUSE FINDING AND ORDER

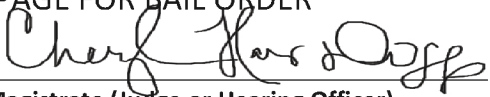
- ☐ The Court **FINDS** that probable cause for further detention **DOES NOT EXIST**. The Court **ORDERS** the law enforcement agency and officer having custody of the defendant to immediately release the defendant from custody.
- ☒ The Court **FINDS** that probable cause for further detention **EXISTS**. The Court reviewed and/or set the defendant's bond as indicated in the BAIL ORDER below and, in clear and unambiguous language: (1) advised the defendant of his rights pursuant to TEX. CODE CRIM. P. Art. 15.17; and (2) provided the defendant with information required by law. The Court **ORDERS** the defendant committed to the custody of the Sheriff of Harris County, Texas, until he posts the required bond or until further order of the Court.
- ☐ Probable cause previously determined. The Court **ORDERS** the defendant committed to the custody of the Sheriff of Harris County, Texas, until he posts the required bond or until further order of the Court.

☒ **SEE NEXT PAGE FOR BAIL ORDER**

August 23, 2020 4:14 AM

Date and Time

Magistrate Cheryl Diggs (SPN 01677210)


Magistrate (Judge or Hearing Officer)

(Rev. July 24, 2018)

Interpreter (if applicable)

Page 1 of 2

Having found probable cause exists for the further detention of JENNISCH, JENNIFER, the Court next determined the conditions of release for the accused to ensure he/she will appear and answer before the proper Court.

PART 1: PUBLIC SAFETY ASSESSMENT

The Court considered the Public Safety Assessment results and also considered the following presumptive personal bond recommendation:

- ☐ Personal Bond Recommended
☐ Personal Bond **NOT** Recommended
☒ Personal Bond Recommendation referred to Magistrate
☐ PSA NOT available

PART 2: PERSONAL BOND / BAIL REQUESTS

Presumptive Bail Amount \$888,888.00

A. DISTRICT ATTORNEY PR BOND / BAIL REQUEST

- Personal Bond ☐ Requested ☒ Opposed
☐ No Position
- Bail Request ☐ No DA Bail Request
☐ Higher _____
☒ Lower \$30,000.00
☐ No Bail

B. PUBLIC DEFENDER PR BOND / BAIL REQUEST

- Personal Bond ☒ Requested ☐ Opposed
☐ No Position
 • Bail Request ☐ No PD Bail Request
☐ Higher _____
☒ Lower \$3,000.00
☐ No Bail

PART 3: FINANCIAL AFFIDAVIT

Signed and Sworn: ☒ Yes
☐ No

ORDER

After considering the above, the Court (1) advised the defendant of his rights pursuant to TEX.CODE CRIM.P. ART 15.17; (2) set the defendant's conditions of release in clear and unambiguous language; and (3) provided the defendant with information required by law. The Court then ORDERED the following:

Bail is set at: ☐ No Bail ☒ \$7,500.00
☐ Conditions

Personal bond is: ☐ Not Approved On 2 PTRBs for Assault-BI. 7F. 10M. Ellis County history - Theft 2007. No contact with Scott Allen Keefe. No alcohol/drugs. RUA. Fees waived.
☒ Approved ☒ Conditions

The reasons for this individual assessment of the appropriate conditions of release were explained to the above-named Defendant.

August 23, 2020 4:14 AM

Date and Time

Magistrate Cheryl Diggs (SPN 01677210)

Cheryl Harris O'Joff

Magistrate (Judge or Hearing Officer)

(Rev. July 24, 2018)

Interpreter (if applicable)



CAUSE NO. **168720401010**

THE STATE OF TEXAS

V.

JENNISCH, JENNIFER

A/K/A : JENNISCH, JENNIFER AKA
JENNISCHE, JENNIFER AKA JENNISCHE,
JENNIFER E.

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IN THE 338th DISTRICT
COURT
HARRIS COUNTY, TEXAS

COURT DIRECTIVE: REMAND DEFENDANT TO CUSTODY

BY THE ORDER OF THE COURT, the following activity is directed in the above styled and numbered cause:

- ☒ Bond REVOKED. New bond set at \$0.
Defendant remanded to the custody of the sheriff.
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Bond set at \$. Defendant remanded to the custody of the sheriff.
- ☐ Defendant found guilty. No bond set. Defendant remanded to the sheriff.
- ☐ Defendant remanded to custody by order of the court.
- ☐ Defendant to serve jail time in lieu of payment until court costs and/or fine is satisfied.
- ☐

Witness my Hand and Seal of Office at Houston, Texas, on **08/24/2020**.

MARILYN BURGESS,
District Clerk, Harris County, Texas

Felicia Ayala

By Deputy F AYALA

SHERIFF'S RETURN

Received this Writ on _____ at _____ o'clock AM/PM, and executed the same on _____ by placing the above named defendant in the Harris County Jail.

Sheriff, Harris County Texas

By _____, HCSO Deputy

Automated Certificate of eService

This automated certificate of service was created by the eFiling system. The filer served this document via email generated by the eFiling system on the date and to the persons listed below. The rules governing certificates of service have not changed. Filers must still provide a certificate of service that complies with all applicable rules.

Thomas Mayr
Bar No. 24037052
bmayr@mayr-law.com
Envelope ID: 45744382
Status as of 8/27/2020 10:25 AM CST

Associated Case Party: Joseph Gomez

Name	BarNumber	Email	TimestampSubmitted	Status
Stanley G. Schneider	17790500	stans3112@aol.com	8/27/2020 10:15:38 AM	SENT
Sierra Tabone	24095963	stabone@mayr-law.com	8/27/2020 10:15:38 AM	SENT

Associated Case Party: State of Texas

Name	BarNumber	Email	TimestampSubmitted	Status
Clint Morgan		morgan_clinton@dao.hctx.net	8/27/2020 10:15:38 AM	SENT